

House Study Bill 528 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to methods of notice and document delivery
2 under the Iowa trust code, and including applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 633A.1109 Methods of notice and
2 document delivery — waiver.

3 Except as otherwise provided by this chapter:

4 1. Giving notice to a person, including notice of a judicial
5 proceeding, or the sending of a document to a person under this
6 chapter shall be accomplished in a manner reasonably suitable
7 under the circumstances and likely to result in receipt of the
8 notice or document. Permissible methods of giving notice or
9 sending a document include first-class mail, personal delivery
10 to a person's last known place of residence or place of
11 business, or by properly directed electronic mail. When notice
12 in a trust proceeding is served on an interested party via the
13 United States postal service, the service is made and completed
14 when the notice being served is enclosed in a sealed envelope
15 with proper postage paid, is addressed to the interested party
16 at the party's last known post office address, and is deposited
17 in a mail receptacle provided by the United States postal
18 service.

19 2. In the case of a proceeding against an unknown person
20 whose address or whereabouts are unknown, the court shall
21 prescribe that notice may be served by publication within
22 the time and in the manner provided by the rules of civil
23 procedure.

24 3. Notice under this chapter or the right to receive a
25 document under this chapter may be waived by the person to be
26 notified or entitled to receive the document.

27 4. For purposes of this section, "*properly directed*"
28 means directed to an electronic mail address that the sender
29 reasonably believes is a current electronic mail address of the
30 recipient.

31 Sec. 2. APPLICABILITY. This Act applies to notices and
32 documents sent on or after July 1, 2016, regarding trusts in
33 existence on or created after July 1, 2016.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to methods of notice and document delivery
3 under the Iowa trust code.

4 The bill provides that notice and the sending of a document
5 related to proceedings under the Iowa trust code (Code chapter
6 633A) shall be accomplished in a manner reasonably suitable
7 under the circumstances and likely to result in receipt of
8 the notice or document. Permissible methods of notice and
9 document delivery include first-class mail, personal delivery,
10 and properly directed electronic mail. If notice is served
11 via United States mail, service is made and completed when the
12 notice is enclosed in a sealed envelope with proper postage
13 paid, addressed to the interested party at the last known
14 address, and deposited in a mail receptacle provided by the
15 United States postal service.

16 The bill provides that in the case of a proceeding against an
17 unknown person whose address or whereabouts are unknown, the
18 court shall prescribe that notice may be served by publication
19 within the time and in the manner provided by the rules of
20 civil procedure.

21 The bill provides that a person entitled to notice or the
22 receipt of documents under Code chapter 633A may waive such
23 rights.